



Attorney Docket No. 080398.P347

PATENT

AS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:

Joseph C. Chan, et al.

Serial No.: 09/758,484

Filed: January 10, 2001

For: METHOD AND APPARATUS FOR VARIABLE
FRAME SIZE RADIOLINK PROTOCOL BASED)
ON CHANNEL CONDITION ESTIMATION)

Examiner: Unassigned

Art Unit: 2661

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231 on

June 29, 2001

(Date of Deposit)

Beverly Kehoe Shea

(Printed name)

Beverly Kehoe Shea

6/29/01

(Signature)

(Date)

Commissioner for Patents
and Trademarks
Washington, D.C. 20231

DECLARATION OF MARIA McCORMACK SOBRINO

Dear Sir:

I, Maria McCormack Sobrino, having personal knowledge of the facts set forth herein, hereby declare as follows:

1. I am one of the Attorneys of Record and a member of the law firm of record, Blakely, Sokoloff, Taylor & Zafman LLP, for the above-identified patent application entitled, "METHOD AND APPARATUS FOR VARIABLE FRAME SIZE RADIOLINK PROTOCOL BASED ON CHANNEL CONDITION ESTIMATION."
2. The above-identified patent application names the inventors as: Joseph C. Chan, Chi-ping Nee, and Chinh Tran.
3. The above-identified patent application was filed with an unsigned Inventor Declaration and Power of Attorney form at the U.S. Patent Office on January 10, 2001.

4. On May 7, 2001, I received a "Notice to File Missing Parts of Nonprovisional Application (Filing Date Granted) with a mailing date of May 2, 2001.
5. In order to timely respond to the May 2, 2001 Notice to File Missing Parts, a number of attempts and diligent efforts have been made to obtain inventor Chi-ping Nee's signature on the Inventor Declaration and Power of Attorney form for the above-referenced patent application, specifically:

- 1) On May 30, 2001, I directed an Inventor Declaration and Power of Attorney form and an Assignment be sent to Joseph C. Chan, Chi-ping Nee and Chinh Tran via U.S. Certified Mail, Return Receipt Requested, at their respective following addresses:

Joseph C. Chan
10935 Avenue De Los Lobos
San Diego, CA 92127;

Chi-ping Nee
10327 Hitching Post Way
Santee, CA 92071; and

Chinh Tran
14125 Kellbara Court
San Diego, CA 92129.

By cover letter, Joseph C. Chan, Chi-ping Nee and Chinh Tran were asked to sign the forms, and to return the forms to me in a pre-paid self-addressed envelope which was enclosed. The forms were signed and returned by Joseph C. Chan and Chinh Tran (supporting documents in Exhibit A). However, the forms from Chi-ping Nee were never returned, although the Return Receipt was signed by Ms. Nee on June 11, 2001, and was returned by the U.S. Post Office (supporting document as Exhibit B). This is evidence that Ms. Nee received the forms which she was requested to sign and return.

- 2) On June 27, 2001, we attempted to determine Ms. Nee's telephone number. Pacific Bell Directory Assistance stated that her number is not listed.

6. I subsequently had the Declaration and Assignment documents resent to Chi-ping Nee's last known address via Federal Express, with a paid return Federal Express label. The documents were never returned to me. (Supporting documents included as Exhibit C)
7. Attached as Exhibit D is a copy of Ms. Chi-ping Nee's signed employment agreement with Sony Electronics, Inc. Paragraph 3 provides her agreement to "assist in obtaining patents rights, including the signing of any and all lawful papers."

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with knowledge that willful, false statements and the like may jeopardize the validity of the subject patent application, or any patent resulting therefrom.

Respectfully submitted,

Date: June 29, 2001

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